

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JOHN FAUTENBERRY,	:	
	:	
Petitioner.	:	DEATH PENALTY CASE
	:	
vs.	:	Case No.: C1-00-332
	:	
BETTY MITCHELL, WARDEN,	:	JUDGE: GRAHAM
	:	
Respondent.	:	MAGISTRATE JUDGE: KEMP
.. .. .	:	

**PETITIONER JOHN FAUTENBERRY'S
NOTICE OF APPEAL**

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**PETITIONER JOHN FAUTENBERRY'S
NOTICE OF APPEAL**

Petitioner, John Fautenberry, through the undersigned counsel, and pursuant to Federal Rule of Appellate Procedure 4(a)(1), hereby gives notice of his appeal to the United States Court of Appeals for the Sixth Circuit from the final judgment entered on April 11, 2005, denying habeas relief [Doc. 103 and 104] and prior rulings, including, but not limited to, the order granting of limited discovery [Doc. 51], the order granting in part the Warden's motion to dismiss procedurally defaulted claims [Doc. 52], order denying petitioner's motion for an evidentiary hearing [Doc. 95] and the order denying disclosure of grand jury proceedings.

Respectfully submitted,

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John Fautenberry

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he served a copy of the within *Petitioner John Fautenberry's Notice of Appeal* was filed electronically on May 11, 2005. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access the filing through the Court's system.

Dennis L. Sipe
Counsel for Petitioner,
John Fautenberry